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SECOND SUBSTITUTE HOUSE BILL 2709

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State of Washington

60th Legislature

2008 Regular Session

By House Appropriations Subcommittee on Education (originally sponsored by Representatives Hurst, Pettigrew, Appleton, Sells, Green, Conway, Morrell, Anderson, Sullivan, Kenney, Schual-Berke, McIntire, Wood, Hudgins, Simpson, Goodman, VanDeWege, Ormsby, and Rolfes)

READ FIRST TIME 02/12/08.

1 AN ACT Relating to locally grown foods; reenacting and amending RCW  
2 28A.335.190; adding a new section to chapter 28A.335 RCW; and creating  
3 a new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.335  
6 RCW to read as follows:

7 (1) The legislature finds that the benefits of school district  
8 procurement of locally grown foods include environmental protection,  
9 local economic development, improved child nutrition, and food  
10 security. Purchasing locally grown foods:

11 (a) Reduces the distance and changes the manner in which food  
12 travels from producer to consumer, which conserves energy, decreases  
13 greenhouse gas emissions, and decreases reliance on oil;

14 (b) Expands market opportunities for local farmers, which preserves  
15 and strengthens food production and increases the already significant  
16 contribution that agriculture makes to local and state economies;

17 (c) Contributes to the health and development of school children,  
18 which bolsters their ability to achieve educational goals; and

1 (d) Reduces reliance on nonlocally grown foods, which increases  
2 food access and safety.

3 (2) With this act, the legislature provides school districts the  
4 authority to consider the distance food travels from the point of  
5 production to the point of consumption when making food procurement  
6 decisions.

7 **Sec. 2.** RCW 28A.335.190 and 2005 c 346 s 2 and 2005 c 286 s 1 are  
8 each reenacted and amended to read as follows:

9 (1) When, in the opinion of the board of directors of any school  
10 district, the cost of any furniture, supplies, equipment, building,  
11 improvements, or repairs, or other work or purchases, except books,  
12 will equal or exceed the sum of fifty thousand dollars, complete plans  
13 and specifications for such work or purchases shall be prepared and  
14 notice by publication given in at least one newspaper of general  
15 circulation within the district, once each week for two consecutive  
16 weeks, of the intention to receive bids and that specifications and  
17 other information may be examined at the office of the board or any  
18 other officially designated location: PROVIDED, That the board without  
19 giving such notice may make improvements or repairs to the property of  
20 the district through the shop and repair department of such district  
21 when the total of such improvements or repair does not exceed the sum  
22 of forty thousand dollars. The cost of any public work, improvement or  
23 repair for the purposes of this section shall be the aggregate of all  
24 amounts to be paid for labor, material, and equipment on one continuous  
25 or interrelated project where work is to be performed simultaneously or  
26 in close sequence. The bids shall be in writing and shall be opened  
27 and read in public on the date and in the place named in the notice and  
28 after being opened shall be filed for public inspection.

29 (2) Every purchase of furniture, equipment or supplies, except  
30 books, the cost of which is estimated to be in excess of forty thousand  
31 dollars, shall be on a competitive basis. The board of directors shall  
32 establish a procedure for securing telephone and/or written quotations  
33 for such purchases. Whenever the estimated cost is from forty thousand  
34 dollars up to seventy-five thousand dollars, the procedure shall  
35 require quotations from at least three different sources to be obtained  
36 in writing or by telephone, and recorded for public perusal. Whenever

1 the estimated cost is in excess of seventy-five thousand dollars, the  
2 public bidding process provided in subsection (1) of this section shall  
3 be followed.

4 (3) Any school district may purchase goods produced or provided in  
5 whole or in part from class II inmate work programs operated by the  
6 department of corrections pursuant to RCW 72.09.100, including but not  
7 limited to furniture, equipment, or supplies. School districts are  
8 encouraged to set as a target to contract, beginning after June 30,  
9 2006, to purchase up to one percent of the total goods required by the  
10 school districts each year, goods produced or provided in whole or in  
11 part from class II inmate work programs operated by the department of  
12 corrections.

13 (4) Every building, improvement, repair or other public works  
14 project, the cost of which is estimated to be in excess of forty  
15 thousand dollars, shall be on a competitive bid process. Whenever the  
16 estimated cost of a public works project is one hundred thousand  
17 dollars or more, the public bidding process provided in subsection (1)  
18 of this section shall be followed unless the contract is let using the  
19 small works roster process in RCW 39.04.155 or under any other  
20 procedure authorized for school districts. One or more school  
21 districts may authorize an educational service district to establish  
22 and operate a small works roster for the school district under the  
23 provisions of RCW 39.04.155.

24 (5) The contract for the work or purchase shall be awarded to the  
25 lowest responsible bidder as defined in RCW 43.19.1911 but the board  
26 may by resolution reject any and all bids and make further calls for  
27 bids in the same manner as the original call. On any work or purchase  
28 the board shall provide bidding information to any qualified bidder or  
29 the bidder's agent, requesting it in person.

30 (6) The board of directors of any school district may establish a  
31 percentage price preference of up to twenty-five percent for the  
32 purpose of increasing procurement of locally grown food.

33 (a) As used in this subsection, "locally grown food" means  
34 substances or products used by humans as food or drink that are  
35 planted, cultivated, harvested, processed, raised, or collected within  
36 the state of Washington.

37 (b) As used in this subsection, "percentage price preference" means  
38 the percent by which a responsive bid from a responsible bidder whose

1 product is a locally grown food may exceed the lowest responsive bid  
2 submitted by a responsible bidder whose product is not a locally grown  
3 food.

4 (c) This subsection (6) does not apply to procurement of food by a  
5 school if it is determined that compliance with this subsection would:

6 (i) Cause denial of federal moneys; or

7 (ii) Be inconsistent with the requirements of federal law.

8 (7) In the event of any emergency when the public interest or  
9 property of the district would suffer material injury or damage by  
10 delay, upon resolution of the board declaring the existence of such an  
11 emergency and reciting the facts constituting the same, the board may  
12 waive the requirements of this section with reference to any purchase  
13 or contract: PROVIDED, That an "emergency", for the purposes of this  
14 section, means a condition likely to result in immediate physical  
15 injury to persons or to property of the school district in the absence  
16 of prompt remedial action.

17 ~~((7))~~ (8) This section does not apply to the direct purchase of  
18 school buses by school districts and educational services in accordance  
19 with RCW 28A.160.195.

20 NEW SECTION. Sec. 3. If specific funding for the purposes of this  
21 act, referencing this act by bill or chapter number, is not provided by  
22 June 30, 2008, in the omnibus appropriations act, this act is null and  
23 void.

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